IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.41 OF 2006
IN
W.P.NO.300 OF 2002

Shri.Shankar Hiranna
Rajanna & Ors. ..Petitioners

Vs.

Maharashtra Housing & Area
Development Authority and
Ors. ..Respondents

...

Mr.P.K.Dhakephalkar i/b Carlton Gracious for Petitioners
Mr.R.M.Sawant Govt. Pleader for Respondent Nos.1 to 3 and 7
Mr.C.J.Sawant Senior Counsel with Mr.R.N.Kachare for Respondent No.5
Mrs.A.K.Savla Advocate for Respondent No.4
Mr.J.Reis Senir Counsel with Mr.Y.M.Choudhari for Respondent No.6.
Mr.M.J.Jamdar Advocate for Intervenor
Ms.Usha Purohit Advocate for Intervenor

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CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : JULY 7, 2006

P.C.

1. According to the petitioners, it was pursuant to the Minutes recorded on 2.8.2004 that they withdrew the petition. The fact, however, remains that petition was not made absolute in terms of the

Minutes. The petition itself was withdrawn. Once that be the case, it will not be open for us to entertain the Motion.

2. It will be open to the applicants-original petitioners to take such steps which they are entitled to and in law for enforcing the Minutes, which were filed before this Court and which are dated 2.8.2004.

3. With the above observation, Motion is disposed of. We make it clear that we have not decided the merits of the matter and it is open to all the parties to the proceedings to raise all contentions which they are entitled to and when they arise.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]